

John P. Fitzgerald, III
Acting United States Trustee
For Region 4
Jack Frankel, Attorney, VSB #15019
1725 Duke Street, Suite 650
Alexandria, VA 22314
(703) 557-7229

**United States Bankruptcy Court
Eastern District of Virginia
Alexandria Division**

In re:

Case No. 19-10542-BFK

Gary Michael Pittman,

Debtor.

Chapter 11

Order Dismissing Case Without Prejudice

The motion of John P. Fitzgerald, III, Acting United States Trustee for Region 4, to dismiss or convert this case to chapter 7, docket no. 21, came before the Court, for hearing, on Tuesday, September 24, 2019.

The debtor and debtor's attorney were present at the hearing.

The Court finds that there is cause to grant the requested relief because the debtor is not eligible for a chapter 11 discharge, having received a chapter 7 discharge on November 28, 2018, in case number 18-12952-KHK, docket no. 24.

The Court further finds that there is cause to grant the requested relief because the debtor is not paying his post-petition rent or home mortgage expense.

The Court further finds that dismissal of the case is in the best interests of the creditors and the estate.

The Court further finds that there are no unusual circumstances establishing that converting or dismissing this case is not in the best interests of the creditors and the estate.

Now, therefore, it is hereby:

Ordered that this case is dismissed without prejudice.

Ordered that the attorney for the debtor shall file within 14 days of the entry of this order a final application for compensation and reimbursement of expenses pursuant to Section 330 of the Bankruptcy Code and give notice of the application pursuant to Rule 2002(a) of the Federal Rules of Bankruptcy Procedure.

Ordered that the Court retains jurisdiction to hear and decide all matters regarding compensation and reimbursement of expenses.

Ordered that the Clerk shall serve a copy of this order on the parties listed below.

This order may be appealed by filing a notice of appeal with the bankruptcy clerk within 14 days of the entry of this order pursuant to Rule 8002(a) of the Federal Rules of Bankruptcy Procedure.

Dated: Sep 30 2019

John P. Fitzgerald, III
Acting United States Trustee
For Region 4

/s/ Brian F. Kenney

BRIAN F. KENNEY
BANKRUPTCY JUDGE

Entered on Docket: September 30, 2019

/s/ Jack Frankel

Jack Frankel, Attorney
Office of United States Trustee
1725 Duke Street, Suite 650
Alexandria, VA 22314
(703) 557-7229

Seen and Objected:

/s/ Jonathan Baird Vivona (e-mail copy only)

Jonathan Baird Vivona, Esq.
Jonathan B. Vivona, PLC
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Certificate of Service

I hereby certify that on the 26th day of September, 2019, I e-mailed a copy of this proposed order to Jonathan Barird Vivona, Esq., at his e-mail address listed above.

/s/ Jack Frankel